

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2012 of 2020

- Dinesh Kumar Rathore, S/o. Pyarelal Rathore, Aged about 28 years, R/o. Sanjay Nagar Faraswani, Police Station Urga, District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Urga, District Korba, Chhattisgarh

---- Respondent

For Applicant	: Shri Pushpendra Kumar Patel, Advocate
For Respondent/State	: Shri Raghavendra Verma, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

15/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 22/2020 registered at police station Urga, district Korba (CG) for the offence punishable under Sections 420,406,34 IPC.

As per prosecution case, the applicant and co-accused persons after mixing the coal with charcoal were unloading the same near railway siding where the security guard saw them. It is alleged that on seeing the guard, they ran away from the spot.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant is the driver of JCB and is not aware of the crime. He submits that similarly placed co-accused has been granted bail by this Court in M.Cr.C. No. 2002/2020 vide order dated 11.06.2020 and therefore the present applicant may also be granted the benefit. He further submits that the applicant is in jail since 06.02.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order

of this Court, but if he has not furnished the bail bonds earlier, then
he will be required to furnish bail bonds within four weeks' from today.

Sd/-

(Rajani Dubey)

Judge

suguna